*Previous references.* 1897—8
~~190~~
Police )

*Later references.*

# GENERAL AND REVENUE SECRETARIAT.

*Serial Nos.* 1 — 5

Major **Part B. for** ?

SUBJECT.

Surrender to the Mysore Police without an Extradition Warrant of Yellogar, of Hosur Tal

1 From the Asst Magistrate Kolar No. [illegible] 30.8. Solicits orders re the transfer of accused without a rendition warrant and submits a case for orders about the accused Yellogar —

2 To the Asst Magistrate Kolar No. 211 dated 9.9. Stating that the above case has been brought to the notice of the Resident —

3 From the 7th A.R. No. 715 dated 11.9.97. Brings the case in question to the notice of the G. R. S. 58 Resident & requests that as usual extradition warrant may be issued —

4- From the first Magistrate Kodaikanal, Rc. No. 3/1 dt. 15.7.9
Reports that one Yellappa was recently found at Chinnakal, a village in Madura and that he was placed before the Magistracy for trial.

5 To the F.A.K Rc. No. 15 Q dt 11/1/9[illegible]
States that the accused was found in the Madura Taluk & was placed before the Magistracy for trial.

J/1412

P. Seshagiri Rao

The Complainant heard that two of his donkeys were in the possession of one Vaddar Yelliga of Chennajanudra of the Hosur Taluk. He went to that Village and verified the information. Constable No 626 of the Baruki Station to which the said Station belonged happened to come there. The complainant reported the matter to him. The constable took the complainant and the accused with the two animals in question to the Station House Officer Baruki who directed him to take them to the Mastri Station Malur Taluk. The constable carried out this order.

This is a case somewhat similar to the one now pending before the Bench subject to the I C's.

(Sd) C. Srinivasa Ayenga
5. 19. 97.

X

Yes,

I have already recorded my opinion in the other cases similar to the one now with the Bench to whom these subject they also

handed over the accused
[illegible]
over to Police - The latter [illegible]
[illegible] for the detention
of the accused till a Restitution
warrant was sent. - Both
the Police and the Madras
Police have committed an
illegality, as [illegible] handing over
the accused without a
Restitution warrant [illegible] as well as
bringing him all the
way from the Madras
Mysore Country was illegal
that there is an Explicit
case, Reg vs Sattu, (see
Mayne's Criml Law p 267)
in which it was held
that a person is found
within the jurisdn of a
Court when he is actually
present there, whether he
came there voluntarily
or not, or even when he
was brought there illegally
Following this ruling the
Madras Magistrate may, I think

: accused – under
: Resident as q a
present Summons, we ask
in we might obtain all
. his instructions to detain
– accused and ask for
formal Warrant of Rendition

retire the accused
the custody of the Jail
the Inspector Police for
rendition till a rendition
warrant is issued –

As this is an important
case we may obtain all the
opinion of the Law Advr
before taking further
action –

Please see the final Draft
of the Extradition Act Rest
in the Mudanakalli Case.
The question raised is an
important one. I don't think the Suspect is
entitled to Reg. Vs Sattler as among other
applicable, owing to the Dutch's peculiar
relation to the British Govt. I
do not think the Govt
advocate can embarrass
us further than we have
already done in this case
The Charge
is at present
in all right –
We should apply
to the Resident for
warrant in this case
explaining the peculiar
Such a warrant if
endorsed by the Govt. here & on its authority
the man can be arrested
in Mysore & his
proceeded with –

9-9-97

J-335
1

SECTION 12-1

FILE No. 70 0897

SERIAL No. 1

Gen. 31.]

1897-98

OFFICE OF THE
2033
4 - SEP 1897
DEWAN OF MYSORE.

From The District Magistrate
Kolar

To

The Secretary to the
Government ~~Dewan~~ of Mysore.
Revenue and General Department

Dated 30th August 1897.

Despatched 3-9-97

Received 4 ~~Sept~~

General No. 827

No. 221

Enclosure No. 1 file

Soliciting orders anent the transfer of accused without requisition warrants and submitting a case for orders - accused Yellaya.

The complainant heard that two of his donkeys were in possession of one Vadde Yelliga of Chennakandru of the Hosur Taluk. He went to that Village & verified this information. Constable No 626 of the Berike station to which the said Village belongs, he obtained a communication. The Constable reported the matter to him. The Constable took the accused with the two animals in question to the Station. Hosur Officer Berike who directed him to take them to the Mulbagal Station Mulbagal Taluk. The Constable carried out his orders.

This is a case similar to the one now pending before the Dewan.

Cubbon 4/9/97

7118

Yes.

3/9/97

I have already rendered my opinion in the other case in an note upon the Dewan. Whom please submit this also - I would suggest the Resident being addressed at once, pointing out the error in procedure committed by the Madras Police, instead of obtaining accused depositing by Resident

J
4-9-97

The refce quoted neither were sent to Dewan on 25/8/97.

BVR
4/9/97 Subd to the Secy

4/9

Kolar District Magistrate's Court.
Dated 30th August

To.

The Secretary to the
Government of Mysore
Revenue and General Department

No. 56-96
(A 7) Sir.

This office
imp No. 48 of 16.6.97 in Part A
Do - 49 of 18.6.97 in Part B.

I have the honour to invite your attention to the marginally noted* references anent the transfer of accused to the Police and Magistrate in Mysore, without a rendition warrant and report for orders of Government the following case.

2. The accused in this case was found in the village of Channasandra, Hosur Taluk in Salem District in possession of an ass stolen from the house of a washerman of Mastli, Malur Taluk of this District. On the complaint of the owner, the station Head Constable at Bariki apprehended the accused and handed him over to the Malur Taluk Police, who placed him before the Taluk Magistrate for trial on the 23rd instant.

3. On the facts of the case coming to my knowledge I ordered the Amildar to post-pone the trial pending the receipt of orders from the Government and have also instructed him to release the prisoner on bail

I have the honour to be,
Sir,
Your most obedt. Servant.

A Rangaswamy
District Magistrate
Kolar District

cop

| | |
|---|---|
| 4. Where, or under whose custody the accused person is supposed to be. | The District magistrate of Kolar. |
| | Vaddar Yellaga, residing at Chennasandra in the Hosur Taluk, Salem D. |
| | The accused ~~is kept~~ may release on bail. |
| 5. Name of the offence committed, and section of the Indian Penal Code under which the accused is charged. | Theft, section 379 of the I. P. Code. |
| 6. Officer to whom the accused should be surrendered. | To the Amildar magt of the Malur Taluk |
| 7. Place at which the accused should be delivered. | At Malur, Kolar Dt |
| 8. Whether the accused is a British subject, a subject of Mysore or to which State he belongs. | British subject |

No. 3717 / 1455 dt 20-9-97.

District Magistrate
of Kolar

His letter No 827/221 dated the 30th August 1897 reporting the surrender, without a warrant under the Extradition Act, of a person named Yallaya, who was arrested at Channasandra Hosur Taluk, for an offence under Section 379 I.P. Code committed at Marti in the Malur Taluk

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With reference to the above has the honor to state that the circumstances connected with the arrest & surrender of ~~the said~~ accused Yallaya have been brought to the notice of the Resident and that application has been made to the Resident for the issue of the usual warrant for the surrender of the said Yallaya to the Mysore authorities for trial.

By order
[illegible]
for Secretary

No. 3715 / 1434 dt 30-9-97
Enc 2+3 files

To

The First Assistant
to the Resident in Mysore

Sir,

In continuation of my letter No 3379 / 1386 dated 13th Sept 97 conveying the observations of the Durbar in regard to the procedure adopted by the Police of Madanpalli, Cuddapa District in transmitting to the Mysore authorities without an Extradition warrant, a person named Badsab who was charged with the commission of theft in Mysore Territory and found in Madanpalli, I am directed to bring

~~bring~~ to your notice the
instances connected with
other cases in which the
visions of the Extradition Act
e overlooked and the accused
t up for trial in Mysore
ritory without a warrant
the Resident in Mysore.

In one of these cases, one
Yekala Venamma of Gunal-
palli, Bagepalli Taluk, is re-
ported to have enticed away
a married woman named
Baiyakka and resided with her
village called Donebailu in
e Madanpalli Taluk, Cud-
dappa District. On the com-
plaint of the husband, the
Police Inspector of the Bagepalli
Taluk proceeded to Donebailu

and found Baiyakka wearing the jewels referred to by the complainant as having been stolen from him. Baiyakka having admitted that the property belonged to her husband and that she had brought it away without his consent and had been living with Ayakala Vemanna as his wife, the Inspector arrested her on the 3rd June 1897 and Ayakala Vemanna on the 4th idem and produced them before the Sub-Magistrate of Madanpalli. The arrest by the Inspector in British Territory was, as in the case of Boda Sab, illegal, but the Magistrates before whom he appeared with the accused for

or orders condoned the il-
egality and the Sub Magis-
trate of Madanpalli granted
in the Enclosed order unde
ction 167, Criminal Procedure
de, authorizing him to pro-
ure the accused persons
fore the Sub-Division Magis-
ate of Chickballapur on
e 21st June 1897, instead of
ecting the detention of the
ccused in Madanpalli
pending the issue of an Extra
-dition warrant as prayed for
by the Inspector. The Inspecto
accordingly brought away the
accused persons to Bagepalli
and reported the matter to his
Superiors, whereupon the Dt
Magistrate ordered the release
of the accused on their own

recognizances pending the orders of the Government and the application for a rendition warrant.

3 The other case relates to the Salem District. A washerman of Masti in the Malur Taluk, Kolar District, missed two of the Eight asses which had been picketted in the yard of his house about 3 months ago. The missing asses were found in the custody of a Waddar named Yellaga of Channa-sandra of the Hosur Taluk, Salem District, and are said to have been in his possession since nearly three months. Yellaga stated that the asses were sold to him

him by a person whose name
nd whereabouts were not
nown. At the instance of
he complainant, a Constable
f the Berki Station (Hosur
istrict) who happened to be at the Commissionerate
ook the accused and the
sses to the Station Officer
t Berki on the 14th August
97, and that officer on the
ame day recorded pro-
eedings and forwarded the
ccused person and the
sses with a yadast to the
Station Officer of Masti, in Malur Taluk,
he custody of the said Constable
f his Station, apparently
ithout obtaining the orders
f any Magistrate. The Inspector
the Malur Taluk placed
accused before the Taluk

Magistrate for trial, but as the facts coming to the notice of the District Magistrate of Kolar, that Officer ordered the release of the prisoner on bail pending the receipt of orders of Government.

4. In regard of these two cases, I am to request that you will be so good as to move the Resident to issue the usual warrants for the surrender of the accused Wadeyella to the Mysore Authorities for trial. The accused persons though bound by recognizance to appear before Magistrates having ~~jurisdiction in Mysore~~ an area in ~~not~~ likely to have gone back to Bowbazar and Channasandra respectively; but supposing that

Gen. Serial No. 31.]

1898.

4553
18-7-98.

From The District Magistrate
Kolar —

(5)

To The Secretary to the
Government of Mysore
Revenue department.

Dated Malur 15th July 1898.

Despatched 16th do

Received 19 —

Enclosures No. —

General No. 281 } 1898.99
No. 72

Reporting that one
Yelliga was recently
found at Chinkal
a village in Malur
and placed before
the Taluk Magistrate
for trial. —

J 1877.

Submitted with
J. File No 2 containing
the reference
22-7-98

Police

1898

The issue of an extradition warrant by the Resident, asked by the Dist Magte, has not been intimated to this office —

The arrest of the two by the police was not contemplated para 4 of our letter to the Resdt 10-9-97 (No 3); but it is warranted the observations of the Resident of the first thereon in Mysore 1017-20 of 22-2-98 & 1607 of 4/12/97 & 1098 of 25/7/98 —

A draft to Dist Magte is put up.

25/7/98

District Magistrate's Office
Kolar District.
Dated Malur 15 July 1898.

No 281/72

To

The Secretary to the Government
General & Revenue Depart.

Sir,

Adverting to the correspondence ending with your docket No 3717 dated 20 September 1897, I have the honor to state that the accused Yelliga for whose surrender an extradition warrant was issued by the British Resident, Seems to have hitherto eluded arrest by the Police of Salem District, to whom the warrant was directed. He was recently found at Chinekal, a village in the Malur Taluk, and has been apprehended by the Malur Police and placed before the Taluk Magistrate for trial.

Serial No 4, (Section)

I have the honor to be
Sir
Your most obedt Servt

[illegible]
District Magistrate

No. 1579/1142 Encl 28-7-98.

To
The First Asstt to the
Resdt in Mysore -

SECTION 10
70 of 97
FILE NO. ~~Rd 706~~
SERIAL NO. 5

Sir,

Adverting to para 4 of my letter No 3715/434 of the 20th Sept. 1897, requesting the issue of an extradition warrant for the arrest of one Yellappa, accused of theft in Mysore, I am directed to state that the district Magte of Kolar reports — (Vide copy of his letter no 201/72 dy the 15th inst enclosed) — that the accused has since been arrested in Mysore territory, and placed before the Dalvik Magte of Malleshpa for trial.

I have &c

H.
26/7/98

25/7/Sd. H. 26/7/98 Secy

No: 1579 / 142 Rec'd 28-7-98.

To
The First Asstt to the
Resdt in Mysore.

SECTION 10
FILE NO. Pol 70 of 97
SERIAL NO. 5

Ref to para 4
of no 3715 / 434
of the 20th sept: 1897,
requesting the issue of an
extradition warrant for
the arrest of one Gellagan,
accused of theft in Mysore,
I am directed to state
that the district Magte of
Kolar reports — (Vide copy
of his letter no 201/72 dt the
15th inst enclosed) —
that the accused has since
been arrested in Mysore
territory, and placed before
the Dalvik Magte of Malleshpa
trial.

I have &c

H.
26/7/98
25/7/98. Dy Secy
Resdt